

**Not For Publication**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

WESLEY I. NUNN,

No. CV 11-1545 NJV

Plaintiff,

v.

**ORDER DISMISSING DEFENDANT  
FENSWICK WITHOUT PREJUDICE  
AND DIRECTING CLERK TO CLOSE  
CASE**

JENNIFER M. FENSWICK, MELISSA A.  
LEBLANC, and DOES 1 THROUGH 10,

Defendants.

On March 28, 2012, the Court dismissed Plaintiff Wesley Nunn's claims against defendant Melissa LeBlanc with prejudice. Doc. No. 26. On April 11, 2012, the Court ordered Nunn to show cause on or before April 18, 2012 why his claims against defendant Jennifer Fenswick should not be dismissed for failure to serve Fenswick within the 120-day deadline imposed by Federal Rule of Civil Procedure 4(m). Doc. No. 29. That deadline (extended during the time the case was stayed) had expired on April 9, 2012. *Id.* Nunn did not file any response to the Order to Show Cause on or before April 18, 2012.

Accordingly, the Court orders that all claims against Fenswick be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m). The Clerk of the Court is directed to close the case.

**IT IS SO ORDERED.**

Dated: April 19, 2012

  
NANDOR J. VADAS  
United States Magistrate Judge